




U.S. BANKRUPTCY COURT  
NORTHERN DISTRICT OF TEXAS

**ENTERED**

TAWANA C. MARSHALL, CLERK  
THE DATE OF ENTRY IS  
ON THE COURT'S DOCKET

The following constitutes the ruling of the court and has the force and effect therein described.

Signed November 10, 2014

  
United States Bankruptcy Judge

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
AMARILLO DIVISION

IN RE:

AMERICAN HOUSING FOUNDATION,

Debtor.

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Case No. 09-20232-RLJ-11

WALTER O'CHESKEY, Trustee,

Plaintiff,

v.

HERRING NATIONAL BANK, *et al.*

Defendants.

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Adversary No. 11-02130

**SUPPLEMENTAL FINDINGS AND CONCLUSIONS**

The Court issued the Findings of Fact and Conclusions of Law in this adversary proceeding on September 30, 2014 [Docket No. 161]. By such, it instructed the parties to supplement their arguments and identify from the record the evidence that supports their

respective positions on Herring Bank's ordinary course defense to the Trustee's preference cause. *See* Findings of Fact and Conclusions of Law ¶¶ 56 and 60. Both Herring Bank and the Trustee have done so; the Trustee now concedes that the record supports this defense.

The Court's Findings of Fact and Conclusions of Law are hereby supplemented to provide as follows: AHF's payments of \$18,084 to Herring Bank in February 2009 were made in the ordinary course and thereby satisfy the ordinary course defense under § 547(c)(2) of the Bankruptcy Code. Such payments are therefore not avoidable. *See* 11 U.S.C. § 547(c)(2).

The Court hereby instructs counsel for the Trustee to submit a judgment in accordance with the Court's findings and conclusions as hereby supplemented.

### End of Supplemental Findings and Conclusions ###